

BEFORE THE
SOUTH CAROLINA PUBLIC SERVICE COMMISSION

DOCKET NO. 2005-365-C

In Re:)
APPLICATION OF TELMEX USA, L.L.C. FOR)
AUTHORITY TO OPERATE AS A RESELLER)
OF TELECOMMUNICATION SERVICES WITHIN)
THE STATE OF SOUTH CAROLINA)

LATE FILED HEARING EXHIBIT NO. 3

ON BEHALF OF TELMEX USA, L.L.C.

FCC MEMORANDUM OPINION AND ORDER
DA 01-1752, DATED JULY 25, 2001

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IN ACCORDANCE WITH ITS ELECTRONIC FILING INSTRUCTIONS**

Before the
Federal Communications Commission
Washington, D.C. 20554

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|---|---|-------------------------|
| In the Matter of |) | |
| |) | |
| Telmex International Ventures USA, Inc. |) | File No. EB-00-IH-0040 |
| |) | |
| Apparent Liability for Forfeiture |) | NAL/Acct. No. X32080002 |

MEMORANDUM OPINION AND ORDER

Adopted: July 24, 2001

Released: July 25, 2001

By the Chief, Enforcement Bureau:

1. This Memorandum Opinion and Order ("Order") cancels a \$100,000 Notice of Apparent Liability ("NAL") issued to Telmex International Ventures USA, Inc. for apparent violations of the terms and conditions of its grant of authority for transfer of control, and its section 214 authorization to provide international switched resale services to all points, including Mexico.¹

2. Having reviewed the record, we conclude that the law in this area was not clear enough to justify the imposition of a forfeiture under the circumstances presented.² We note that we need not address here the continuing applicability of the section 214 condition at issue in the NAL.

3. Accordingly, **IT IS ORDERED** that, pursuant to Section 504(b) of the Act³ and Section 1.80(f)(4) of the Commission's rules,⁴ the NAL issued to Telmex International Ventures USA, Inc. **IS CANCELLED**.

4. **IT IS FURTHER ORDERED** that, a copy of this Order shall be sent by certified mail, return receipt requested, to counsel for Telmex International Ventures USA, Inc., Gary M. Epstein, Esq., Latham & Watkins, 555 11th Street, N.W., Suite 1000, Washington, D.C. 20004.

FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon
Chief, Enforcement Bureau

¹ *Telmex International Ventures USA, Inc. Notice of Apparent Liability for Forfeiture*, 15 FCC Rcd 714 (Enforcement Bureau 2000).

² *See, e.g.*, February 14, 2000 Response of Telmex International Ventures USA, Inc. to Notice of Apparent Liability for Forfeiture at 5, 6.

³ 47 U.S.C. § 504(b).

⁴ 47 C.F.R. § 180(f)(4).

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2005-365-C

In Re:

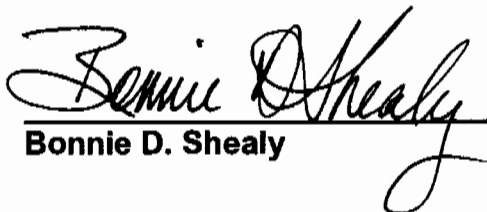
Application of Telmex USA,
L.L.C. for Authority to Operate as
a Reseller of Telecommunication
Services Within the State of
South Carolina

CERTIFICATE OF SERVICE

This is to certify that I, Bonnie D. Shealy, an attorney with the law firm of Robinson, McFadden & Moore, P.C., have this day caused to be served upon the person(s) named below the Late Filed Hearing Exhibit No. 3 on Behalf of Telmex USA, L.L.C. in the foregoing matter by placing a copy of same in the United States Mail, postage prepaid, in an envelope addressed as follows:

**Jeffrey M. Nelson, Staff Attorney
Office of Regulatory Staff
Post Office Box 11263
Columbia, South Carolina 29211**

Dated at Columbia, South Carolina this 28th day of June, 2006.


Bonnie D. Shealy